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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,452	04/26/2001	Michael J. Narayan	MFCP.81824	8292
5251	7590	07/28/2004	EXAMINER	
SHOOK, HARDY & BACON LLP			CHANKONG, DOHM	
2555 GRAND BLVD			ART UNIT	
KANSAS CITY,, MO 64108			PAPER NUMBER	
			2152	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,452

Applicant(s)

NARAYAN ET AL.

Examiner

Dohm Chankong

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a).. In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following claim lacks proper antecedent basis:

- i. Claim 1, line 5: "the provided list".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-18 are rejected under 35 U.S.C 102(b) as being clearly anticipated by Olson et al, U.S Patent No. 5,987,376 ("Olson").

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6. As to claim 1, Olson discloses a method for use in a computer system, operating in a peer-to-peer environment having a host peer and at least one non-host peer, and for ordering operation requests of the peers, the operation requests being one of a list of recognized operations which may be requested (abstract, column 1, lines 53-60, column 3, lines 27-35; the list of player actions are operation requests, the request by a client to enter a session is equivalent to an operation request), comprising:

receiving, by the host peer, at least one operation request from the provided list (column 3, lines 32-33; host client); and

assigning, by the host peer, a unique version number to the at least one operation request (column 3, lines 33-43 and column 7, lines 47-64; system player IDs are attached to player actions for identification to other players in the network).

7. As to claim 2, Olson discloses the method further comprising processing, by the host peer, the operation requests in the order of the assigned version number (column 11, lines 59-61).

8. As to claim 3, Olson discloses the method further comprising sending, by the host peer, an operation order and assigned version number to each peer in the peer-to-peer environment, the order and the version number being associated with the operation request (claim 1[b]-[c]).

9. As to claim 4, Olson discloses the method further comprising processing, by the receiving peer, the operation order in the order of the assigned version number

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(column 3, lines 43-51 and column 9, lines 41-49, claim 11; state update packets stored in a queue and update the client in the order received).

10. As to claim 5, Olson discloses the method wherein the operations are name table operations (column 7, line 65 to column 8, line 6 and column 11, lines 48-65).

11. Claim 6 is a computer readable medium that executes the steps of the method of claim 1. Therefore, claim 6 is rejected for the same reasons as set forth in above paragraph 6, for claim 1.

12. Claim 7 is a computer readable medium that executes the steps of the method of claim 1. Therefore, claim 7 is rejected for the same reasons as set forth in above paragraph 6, for claim 1.

13. As to claim 8, Olson discloses a method for use in a computer system, operating in a peer-to-peer environment having a host peer and at least one non-host peer, and for ordering operation requests of the peers, the operation requests being one of a list of recognized operations which may be requested (abstract, column 1, lines 53-60, column 3, lines 27-35; the list of player actions are operation requests, the request by a client to enter a session is equivalent to an operation request), comprising:
 sending, by the non-host peer, at least one operation request from the provided list to the host peer (column 3, lines 32-33; host client, claim 14); and

receiving, by the non-host peer, a unique version number to the at least one operation request (column 3, lines 33-43 and column 7, lines 47-64, claim 14; system player IDs are attached to player actions for identification to other players in the network).

14. As to claim 9, Olson discloses the method further comprising processing, by the receiving user, the operation order in the order of the assigned version number (column 3, lines 43-51 and column 9, lines 41-49, claim 11; state update packets stored in a queue and update the client in the order received, its number in the queue equivalent to a version number).

15. As to claim 10, Olson discloses the method further comprising determining whether the assigned version number received is the next in the sequence of version numbers processed by the receiving non-host peer, and if it is not, queuing the operation order until the version number is next in the sequence of version numbers processed by the receiving peer (column 9, lines 41-61, claim 14).

16. Claim 11 is a computer readable medium that performs the steps of the method of claim 8. Therefore, claim 11 is rejected for the same reasons as set forth in above paragraph 13, for claim 8.

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17. Claim 12 is a computer system that performs the steps of the method of claim

8. Therefore, claim 12, is rejected for the same reasons as set forth in above paragraph

13, for claim 8.

18. As to claim 13, Olson discloses a method for use in a computer system, operating in a peer-to-peer environment having a current host peer and at least one non-host peer, and for selecting a new host peer (Figure 2D), comprising:

providing each peer with an assigned indicia indicative of the order in which the peer first joined the peer-to-peer environment (column 10, lines 61; lowest numeric unique identifier);

determining whether the current host peer has terminated participation in the peer-to-peer environment (column 11, lines 52-54), and if so:

determining, by each remaining peer, if said peer has the lowest indicia indicating said peer joined the peer-to-peer environment prior to any remaining peers (column 10, lines 59-61); and if so:

sending, by said peer to each remaining peer, a message indicating that said peer is the new host peer (column 11, lines 57-59 and lines 62-67, Figure 2a).

19. As to claim 14, Olson discloses the method wherein operations within the peer-to-peer environment are performed utilizing a name table, and wherein said assigned indicia is a version number of a name table operation creating the peer (column 7, line 65 to column 8, line 6 and column 11, lines 59-61).

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20. As to claim 15, Olson discloses the method further comprising requesting, by the new host peer from each remaining peer, the latest version of the name table that each remaining peer has processed (Figure 2a, items 76, 32, 70, 72 and 74 and column 11, lines 62-65).

21. As to claim 16, Olson discloses the method further comprising determining, by the new host peer, whether any name table operations have been processed by the other peers and not the new host peer, and if so, updating, by the new host peer, the name table of the new host peer and performing, by the new host peer, the missing name table operations (column 11, lines 62-67, column 13, lines 13-23; client C sends update information to client A (host) whereby client can update his application data).

22. As to claim 17, Olson discloses the method further comprising, sending, by the new host peer, the updates to the name table to each remaining peer (Figure 2a, column 11, lines 62-67; where the new host peer performs the *same* operations as the previous host, and the previous host updates the peers with the name table).

23. Claim 18 is a computer readable medium that performs the steps of the method of claim 13. Therefore, claim 18 is rejected for the same reasons as set forth in above paragraph 18, for claim 13.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art in regards to peer-to-peer communications and host peers:

U.S Patent No. 5,695,400 to Fennell, Jr. et al;

U.S Patent No. 6,065,062 to Periasamy et al;

U.S Patent No. 6,311,209 to Olson et al.

The following patents are cited to further show the state of the art in regards to prioritized peer-to-peer communications:

U.S Reissued Patent US RE38 134E to Ross et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC


ZARNI MAUNG
PRIMARY EXAMINER